

FEB 21 2006

Docket No.: AMAZON.054A

February 21, 2006

Page 1 of 2

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TRANSMITTAL LETTER

APPEAL BRIEF

Applicant : Adams et al.
 App. No : 09/715,850
 Filed : November 17, 2000
 For : METHODS AND SYSTEMS FOR
 DISTRIBUTING INFORMATION
 WITHIN A DYNAMICALLY
 DEFINED COMMUNITY
 Examiner : Robert M. Pond
 Art Unit : 3625

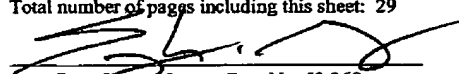
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 Scott Lorne Murray, Reg. No. 53,360

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
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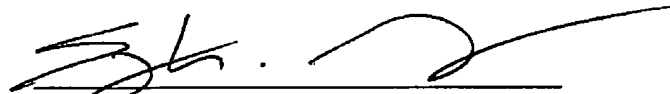
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Dated: February 21, 2006



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PAT-ABRIEFTRANS

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Customer No.: 20,995

Docket No. : AMAZON.054A
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Mail Stop Appeal Brief-Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In accordance with the Notice of Appeal filed October 20, 2005, Appellants submit this Appeal Brief.

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Related Proceedings Appendix 27

I. REAL PARTY IN INTEREST

The real party in interest in the present application is Amazon.com, Inc.

II. RELATED APPEALS AND INTERFERENCES

An appeal is currently pending in U.S. Appl. No. 09/715,929, filed November 17, 2000, ("the '929 application"), which is owned by the assignee of the present application. The '929 application discloses methods and systems for evaluating product reviews.

III. STATUS OF CLAIMS

Claims 4, 6-12, 14, 16, 17, 20-22, and 32-46 are pending in the present application. Claims 4, 6-12, 14, 16, 17, 20-22, and 32-46, which are listed in the attached claims appendix, are the subject of this appeal. Claims 1-3, 55, 13, 15, 18, 19, and 23-31 were previously cancelled.

IV. STATUS OF AMENDMENTS

No amendments were made in response to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application includes three independent claims. Each independent claim is paraphrased below, with citations to corresponding portions of the specification and drawings. These citations are provided in order to illustrate specific examples and embodiments of the recited claim language, and not to limit the claims.

Independent Claim 1 is directed to a method of allowing a first customer of an electronic commerce entity to communicate information related to the first customer's purchases to others (see, e.g., Figs. 1A, 9-12). The method comprises:

- receiving over a network an authorization by the first customer for at least a second customer to view information on at least a portion of the first customer's purchases,

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said information identifying at least a first item as having been purchased by the first customer, and including the first customer's review of the first item (see, e.g., Figs. 9A-C, 11A-B, page 22, line 26, to page 23, line 3; page 31, line 30, to page 32, line 20)

- receiving over the network a selection made by the first customer of which of a plurality of items purchased by the first customer are to be exposed to the second customer as having been purchased by the first customer (see, e.g., Figs. 10A-B, page 22, lines 15-25; page 31, lines 9-20)
- providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization (see, e.g., Fig. 12; page 23, lines 4-16; page 32, lines 2-8)
- providing the second customer access, on a web site associated with the electronic commerce entity, to said information on at least a portion of the first customer's purchases, including the first customer's review of the first item (see, e.g., Figs 9A-C; page 4, line 24-page 5, line 5; page 22, lines 15-25; page 31, lines 9-19).

Claim 32 is directed to a computer-implemented method of privately sharing information related to transaction histories of users e.g., Figs. 1A, 9-12. The method comprises:

- transmitting at least one electronic form to a computing device for display to a first user, the at least one electronic form identifying a plurality of items ordered by the first user from an electronic catalog, as determined from a transaction record of the first user, and providing functionality for the first user to select, on an item-by-item basis, which of the items to expose to a private group of users as having been ordered by the first user, said private group being definable by the first user (see, e.g., Figs. 10A-B, page 22, lines 15-25; page 31, lines 9-20)
- receiving over a network, from said computing device, at least (a) the first user's designation of at least a first item, of said plurality of items, to expose to the private

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group of users, and (b) the first user's review of the first item (see, e.g., Figs. 10A-B, page 22, lines 15-25; page 31, lines 9-20)

- receiving, over the network, email addresses supplied by the first user of other users designated by the first user to be included in said private group (see, e.g., Figs. 11A-B, page 31, line 30, to page 32, line 20)
- in response to receiving the email addresses supplied by the first user, automatically sending email messages to each of said other users designated by the first user to be included in the private group, said email messages inviting respective email recipients to access private information associated with the first user, and including a link to a web site on which said private information may be accessed (see, e.g., page 31, line 30, to page 32, line 20)
- controlling user access via the web site to the private information associated with the first user, including at least the first user's review of the first item, such that members of the private group are permitted to access the private information associated with the first user, and such that other users who are not members of the private group are not permitted to access the private information (see, e.g., Figs 9A-C; page 4, line 24-page 5, line 5; page 22, lines 15-25; page 31, lines 9-19).

Claim 38 is directed to a computer-implemented method of privately sharing item review information, the method comprising:

- providing a web site that hosts an electronic catalog of items and provides functionality for users to initiate transactions in which items selected from the electronic catalog are delivered to the users (see, e.g., Fig. 8, page 29, line 20, to page 31, line 8)
- transmitting, over a computer network, for presentation to a first user of the web site, a first web form that prompts the first user to supply a rating of, and a textual comment regarding, an item represented in the electronic catalog, said web form

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being associated with a transaction in which the item was delivered to the first user (see, e.g., Figs. 10A-B, page 22, lines 15-25; page 31, lines 9-20)

- receiving, over the computer network as a result of submission by the first user of the first web form, the first user's review of the item, said review including the first user's rating of, and comment regarding, the item (see, e.g., Figs. 10A-B, page 22, lines 15-25; page 31, lines 9-20)
- storing the first user's review of the item in an electronic repository in association with the first user (see, e.g., Figs. 10A-B, page 22, lines 15-25; page 31, lines 9-20);
- transmitting, over the computer network, for presentation to the first user, a second web form that includes a field for the first user to supply an email address of at least one other user who is authorized by the first user to access the first user's review of the item (see, e.g., Figs. 11A-B, page 31, line 30, to page 32, line 20)
- receiving, over the computer network, as a result of submission of the second web form by the first user, an email address of a second user who is authorized by the first user to access the first user's review of the item (see, e.g., page 31, line 30, to page 32, line 20)
- in response to receiving the email address of the second user, automatically sending an email message to the second user, said email message inviting the second user to access private information associated with the first user via the web site, and including a link for accessing the web site (see, e.g., Fig. 12; page 31, line 30, to page 32, line 20)
- providing restricted access via the web site to the first user's review of the item, such that the second user has access to the first user's review, and such that other users not authorized by the first user do not have access to the first user's review (see, e.g., Figs 9A-C; page 4, line 24-page 5, line 5; page 22, lines 15-25; page 31, lines 9-19)

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are to be reviewed on appeal:

1. The rejection of Claims 4, 6-8, 10-12, 16, 20-22, 32-39, and 41-45 under 35 U.S.C. § 103(a) as being unpatentable over PlanetAll (a collection of prior art cited in Paper #5, PTO-892, Item U-V), in view of Amazon (a collection of prior art cited in Paper #5, PTO-892, Item W-X), further in view of PhotoNet (PTO-892, Item U).
2. The rejection of Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over PlanetAll, Amazon, PhotoNet, further in view of Official Notice ("ON1").
3. The rejection of Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over PlanetAll, Amazon, PhotoNet, further in view of Official Notice ("ON2").
4. The rejection of Claim 40 under 35 U.S.C. § 103(a) as being unpatentable over PlanetAll, Amazon, PhotoNet, further in view of Official Notice ("ON3").

VII. ARGUMENT

The Rejection of Claims 4, 6-8, 10-12, 16, 20-22, 32-39, and 41-45 under 35 U.S.C. § 103(a)

For the reasons set forth below, Appellants respectfully submit that the rejection of Claims 4, 6-8, 10-12, 16, 20-22, 32-39, and 41-45 under 35 U.S.C. § 103(a) over PlanetAll and Amazon, in view of PhotoNet, is improper.

Independent Claim 4

The rejection of Claim 4 is improper because, *inter alia*, PlanetAll, Amazon, and PhotoNet do not disclose or suggest all of the recited claim elements. See MPEP § 2143.03 (in order to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art). Claim 4 is reproduced below.

A method of allowing a first customer of an electronic commerce entity to communicate information related to the first customer's purchases to others, the method comprising;

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receiving over a network an authorization by the first customer for at least a second customer to view information on at least a portion of the first customer's purchases, said information identifying at least a first item as having been purchased by the first customer, and including the first customer's review of the first item;

receiving over the network a selection made by the first customer of which of a plurality of items purchased by the first customer are to be exposed to the second customer as having been purchased by the first customer;

providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization; and

providing the second customer access, on a web site associated with the electronic commerce entity, to said information on at least a portion of the first customer's purchases, including the first customer's review of the first item.

PlanetAll, Amazon, and PhotoNet are not concerned with sharing historical purchase information, and do not even mention customers sharing information that identifies items as having been purchased by a given customer. Therefore, with respect to Claim 4, PlanetAll, Amazon, or PhotoNet fail to teach or suggest:

receiving over a network an authorization by the first customer for at least a second customer to view information on at least a portion of the first customer's purchases, said information identifying at least a first item as having been purchased by the first customer, and including the first customer's review of the first item

Further, because the cited references are not concerned with, and do not mention sharing historical purchase information that identifies items as having been purchased, PlanetAll, Amazon, and PhotoNet fail to teach or suggest:

receiving over the network a selection made by the first customer of which of a plurality of items purchased by the first customer are to be exposed to the second customer as having been purchased by the first customer

Still further, the cited references fail to teach or suggest:

providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization

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Yet further, the cited references fail to teach or suggest:

providing the second customer access, on a web site associated with the electronic commerce entity, to said information on at least a portion of the first customer's purchases, including the first customer's review of the first item

The Examiner admits that both PlanetAll and Amazon fail to disclose a first customer sharing a portion of the first customer's purchase history with a second customer. In order to supply the missing element, the Examiner relies on PhotoNet.

In particular, the Examiner takes the position that PhotoNet teaches a user making a purchase, emailing friends or family hot links and an access code to access processed photos online, and ordering reprints. The Examiner "interprets" the foregoing to disclose "first customer's contacts accessing the first customer's past purchase history uniquely associated with the first customer, and making further purchasing decisions based on the past purchase history of the first user."

The Examiner then argues that it would have been obvious to one of ordinary skill in the art at the time of the invention "to modify the method of PlanetAll and Amazon to disclose a first customer sharing past purchase history with a second customer as taught by Amazon, in order to influence a circle of contacts, and thereby increase sales for the service."

Appellants respectfully traverse the Examiner's "interpretation" of PhotoNet. PhotoNet does not disclose or suggest sharing information that identifies items as having been purchased by a given customer. In particular, PhotoNet is not concerned with identifying to a second customer which products a first customer purchased. Instead, PhotoNet is directed to sharing and purchasing photographs. While PhotoNet discloses enabling users to email photos to recipients, and discloses users providing access codes to others to allow them to browse a roll and order prints, PhotoNet does not disclose sharing information that identifies items as having been purchased by a given customer.

For example, PhotoNet does not disclose or suggest identifying to a recipient of an emailed photograph or access code, which photographs, if any, the user purchased. Thus, PhotoNet, alone or in combination with PlanetAll and Amazon, fails to teach or suggest "receiving over a

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network an authorization by the first customer for at least a second customer to view information on at least a portion of the first customer's purchases, said information identifying at least a first item as having been purchased by the first customer."

Further, even assuming, *arguendo*, that PhotoNet discloses sharing purchase histories, because neither PlanetAll nor Amazon are concerned with, or mention sharing historical purchase information, there would be no motivation to modify the combination of PlanetAll and Amazon with PhotoNet as proposed by the Examiner.

Still further, none of the cited references disclose providing an electronic notification to a second customer, wherein the notification informs the second customer of the first customer's authorization to view information on at least a portion of the first customer's purchases, as claimed. The Examiner appears to take the position that PlanetAll discloses the foregoing element. In particular, the Examiner relies on the disclosure of PlanetAll, at Item: U, page 2, and Item V, page 1, to support his assertion the PlanetAll discloses "sending an invitation to view a user's personal information."

Appellants respectfully traverse the Examiner's characterization of PlanetAll. Rather than disclosing sending an invitation to view a user's personal information, or even mentioning sending an invitation, PlanetAll, at Item: U, page 2, discloses sending information to a user. In particular, PlanetAll, at Item: U, page 2, discloses "all this information is transmitted to each member in a daily e-mail message. When members are traveling and not able to access a computer, they can leave a fax number with PlanetAll ahead of time to have their daily message faxed as hard copy wherever they are. The message includes alerts about contacts, links to shopping and travel sited to buy that last-minute gift or plane ticket, news headline and other tidbits, such as jokes and trivia." Similarly, PlanetAll, at Item V, page 1, discloses that PlanetAll will notify "you when new people from your affinity groups join the system, enabling you to reconnect to them," "notifies you automatically when your travel plans overlap with your friends' travel plans," "notifies you of upcoming birthdays, holidays, and any other events you specify in the system," and that "members of groups can send messages to each other and to all members in a group." The citation relied on by the Examiner does not disclose sending an invitation to view

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a user's personal information as asserted by the Examiner. Appellants note that PlanetAll, at Item V, page 18, discloses an example PlanetAll e-mail. The example PlanetAll e-mail does not include an invitation to view a user's personal information.

In summary, because PlanetAll, Amazon, and PhotoNet do not disclose or suggest all of the elements of Claim 4, and because the Examiner has not identified an adequate suggestion or motivation to combine all three references, the rejection of Claim 4 is improper and should be withdrawn.

Dependent Claim 6

Because Claim 6 depends from Claim 4, the rejection of Claim 6 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 6 is improper because, since the cited references fail to disclose or suggest "providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization" as discussed above with respect to Claim 4, the cited references further fail to disclose or suggest that the notification is provided in an e-mail message, as recited by Claim 6.

Dependent Claim 8

Because Claim 8 depends from Claim 4, the rejection of Claim 8 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 8 is improper because, since the cited references fail to disclose or suggest "providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization" as discussed above with respect to Claim 4, the cited references further fail to disclose or suggest that the first customer's authorization includes an e-mail address of the second customer, as recited by Claim 8.

Dependent Claim 10

Because Claim 10 depends from Claim 4, the rejection of Claim 10 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 10 is improper because, since the cited references fail to disclose or suggest "providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization" as discussed above with respect to Claim 4, the cited references further fail to

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disclose or suggest that that the notification includes a link to a page displaying information related to the first customer's purchases, as recited by Claim 10. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 10.

Dependent Claim 11

Because Claim 11 depends from Claim 4, the rejection of Claim 11 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 11 is improper because the cited references fail to disclose or suggest "notifying at least the second customer, via the web site, of who has received authorization to receive information on the first customer's purchases," as claimed. The Final Office Action does not address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 11.

Dependent Claim 12

Because Claim 12 depends from Claim 4, the rejection of Claim 12 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 12 is improper because the cited references fail to disclose or suggest "electronically receiving authorization from the second customer for users who are authorized to view information on at least a portion of the first customer's purchases to also view information regarding at least some of the second customer's purchases," as claimed. While the Examiner "interprets" the disclosure regarding the Friends of Friends features as supplemented by the Crossing Paths feature (PlanetAll, Item U, page 2) to disclose that "a second customer reveals to the first customer who is authorized to see second customer's personal information and likewise, first customer reveals to second customer its third members who have permission to see first customer's personal information," a careful reading of the citation apparently relied upon the Examiner fails to disclose the elements of Claim 12. PlanetAll, Item U, page 2, paragraph 7, merely states "The Friends of Friends feature supplements Crossing Paths by adding friends of your contacts to your contact list. If you are going to London, for example, Planet-All will tell you who of your friends' friends are in London at the same time as you." Thus, the citation relied on by the Examiner merely discloses providing information from users who know one customer to another customer. Appellants

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respectfully submit that the claimed element "receiving authorization from the second customer for users who are authorized to view information on at least a portion of the first customer's purchases to also view information regarding at least some of the second customer's purchases", is patentably distinct from providing information from users who know one customer to another customer.

Dependent Claim 14

Because Claim 14 depends from Claim 4, the rejection of Claim 14 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 14 is improper because the cited references fail to disclose or suggest "providing a preview to the first customer of the information on the first customer's purchases that will be accessible to the second customer," as claimed. The Final Office Action does not address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 14.

Dependent Claim 16

Because Claim 16 depends from Claim 4, the rejection of Claim 16 is improper for the reasons set forth above for Claim 4.

Dependent Claim 20

Because Claim 20 depends from Claim 4, the rejection of Claim 20 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 20 is improper because the cited references fail to disclose or suggest "in response to said authorization, granting the second user access on the web site to the first customer's reviews of items associated with customer purchases that the second customer is authorized to view," as claimed. While Amazon discloses sharing reviews (Amazon, Item W., page 2), Amazon does not disclose granting a second user access on the web site to a first customer's reviews of items associated with customer purchases. The Final Office Action does not address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 20.

Dependent Claim 21

Because Claim 21 depends from Claim 4, the rejection of Claim 21 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 21 is improper because

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the cited references fail to disclose or suggest "transmitting an electronic form to the first customer listing the first customer's purchases, wherein the first customer uses the form to specify which customer purchases may be viewed by at least the second customer," as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 21.

Dependent Claim 22

Because Claim 22 depends from Claim 4, the rejection of Claim 22 is improper for the reasons set forth above for Claim 4. In addition, the rejection of Claim 22 is improper because the cited references fail to disclose or suggest "receiving a purchase order from the first customer; and in response to receiving the purchase order, presenting to the first customer an option to share information related to the purchase order with others," as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 22.

Independent Claim 32

The rejection of Claim 32 is improper because, *inter alia*, PlanetAll, Amazon, and PhotoNet do not disclose or suggest all of the recited claim elements. As discussed above with respect to Claim 4, PlanetAll, Amazon, and PhotoNet are not concerned with sharing historical purchase information, and do not even mention customers sharing information that identifies items as having been purchased by a given customer. Therefore, with respect to Claim 32, PlanetAll, Amazon, and PhotoNet fail to teach or suggest:

transmitting at least one electronic form to a computing device for display to a first user, the at least one electronic form identifying a plurality of items ordered by the first user from an electronic catalog, as determined from a transaction record of the first user, and providing functionality for the first user to select, on an item-by-item basis, which of the items to expose to a private group of users as having been ordered by the first user, said private group being definable by the first user

The Examiner, in the Final Office Action, failed to fully address the foregoing elements.

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Because PlanetAll, Amazon, and PhotoNet fail to teach or suggest transmitting an electronic form for display to a first user, the form identifying a plurality of items ordered by the first user from an electronic catalog, the cited references further fail to teach or suggest:

receiving over a network, from said computing device, at least (a) the first user's designation of at least a first item, of said plurality of items, to expose to the private group of users, and (b) the first user's review of the first item

As discussed above with respect to Claim 4, while the Examiner admits that both PlanetAll and Amazon fail to disclose a first customer sharing a portion of the first customer's purchase history with a second customer, the Examiner relies on PhotoNet to supply the missing elements. In particular, the Examiner takes the position that PhotoNet teaches a user making a purchase, emailing friends or family hot links and an access code to access processed photos online, and ordering reprints. The Examiner "interprets" the foregoing to disclose "first customer's contacts accessing the first customer's past purchase history uniquely associated with the first customer, and making further purchasing decisions based on the past purchase history of the first user."

The Examiner then argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to "modify the method of PlanetAll and Amazon to disclose a first customer sharing past purchase history with a second customer as taught by Amazon, in order to influence a circle of contacts, and thereby increase sales for the service."

As previously discussed, PhotoNet does not disclose or suggest sharing information that identifies items as having been purchased by a given customer. In particular, PhotoNet is not concerned with identifying to a second customer which products a first customer purchased. Instead, PhotoNet is directed to sharing and purchasing photographs. As previously noted, PhotoNet does not disclose or suggest identifying to a recipient of an emailed photograph or access code which photographs, if any, the user purchased. Thus, for example, PhotoNet, alone or in combination with PlanetAll and Amazon, fails to teach or suggest "transmitting at least one electronic form to a computing device for display to a first user, the at least one electronic form identifying a plurality of items ordered by the first user from an electronic catalog, as determined from a transaction record of the first user, and providing functionality for the first user to select,

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on an item-by-item basis, which of the items to expose to a private group of users as having been ordered by the first user."

Further, even assuming, *arguendo*, that PhotoNet discloses sharing purchase histories, because neither PlanetAll nor Amazon are concerned with, or mention sharing historical purchase information, there would be no motivation to modify the combination of PlanetAll and Amazon with PhotoNet as proposed by the Examiner.

In addition, PlanetAll, Amazon, and PhotoNet fail to teach or suggest:

in response to receiving the email addresses supplied by the first user, automatically sending email messages to each of said other users designated by the first user to be included in the private group, said email messages inviting respective email recipients to access private information associated with the first user, and including a link to a web site on which said private information may be accessed

As discussed with respect to Claim 4, the Examiner appears to take the position that PlanetAll discloses, at Item: U, page 2, and Item V, page 1, "sending an invitation to view a user's personal information."

However, in contrast to the Examiner's assertion, PlanetAll does not disclose "sending an invitation to view a user's personal information," much less the elements as claimed. As previously discussed, PlanetAll, at Item: U, page 2, discloses transmitting daily emails or faxes to a user that includes alerts about contacts, links to shopping and travel sites, news headline and jokes and trivia. Similarly, PlanetAll, at Item V, page 1, discloses that PlanetAll will provide user notifications when new people from the user's affinity groups join the system and the user's travel plans overlaps with friends' travel plans. PlanetAll further describes providing notifications of upcoming birthdays, holidays, and other user specified events, and enabling group members to send messages to each other. PlanetAll, at Item V, page 18, discloses an example PlanetAll e-mail that includes some of the foregoing information, but that does not include an invitation.

Even assuming, *arguendo*, that PlanetAll discloses "sending an invitation to view a user's personal information," as argued by the Examiner, PlanetAll, alone or in combination with

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PlanetAll and Amazon, does not disclose or suggest "in response to receiving the email addresses supplied by the first user, automatically sending email messages to each of said other users designated by the first user to be included in the private group, said email messages inviting respective email recipients to access private information associated with the first user, and including a link to a web site on which said private information may be accessed" as claimed.

Still further, PlanetAll, Amazon, and PhotoNet fail to disclose:

controlling user access via the web site to the private information associated with the first user, including at least the first user's review of the first item, such that members of the private group are permitted to access the private information associated with the first user, and such that other users who are not members of the private group are not permitted to access the private information

The Examiner, in the Final Office Action, failed to fully address the foregoing elements.

In summary, because PlanetAll, Amazon, and PhotoNet do not disclose or suggest all of the elements of Claim 32, and because the Examiner has not identified an adequate suggestion or motivation to combine all three references, the rejection of Claim 32 is improper and should be withdrawn.

Dependent Claim 33

Because Claim 33 depends from Claim 32, the rejection of Claim 33 is improper for the reasons set forth above for Claim 32. In addition, the rejection of Claim 33 is improper because, since the cited references fail to disclose or suggest transmitting at least one electronic form identifying a plurality of items ordered by the first user from an electronic catalog and providing functionality for the first user to select, on an item-by-item basis, which of the items to expose to a private group of users as having been ordered by the first user, as discussed above with respect to Claim 32, the cited references further fail to disclose or suggest that an electronic form includes, for each of the plurality of items ordered by the first user, at least (a) a field for supplying a textual comment, and (b) an area for supplying an item rating on a specified scale, wherein resulting textual comments and item ratings supplied by the first user are made available

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via the web site to members of the private group, as recited by Claim 33. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 33.

Dependent Claim 34

Because Claim 34 depends from Claim 32, the rejection of Claim 34 is improper for the reasons set forth above for Claim 32. In addition, the rejection of Claim 34 is improper because the cited references fail to disclose or suggest that "the private information identifies the first item as having been purchased by the first user" as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 34.

Dependent Claim 35

Because Claim 35 depends from Claim 32, the rejection of Claim 35 is improper for the reasons set forth above for Claim 32. In addition, the rejection of Claim 35 is improper because the cited references fail to disclose or suggest "providing the private group of users restricted access, via the web site, to a private web page that is uniquely associated with the first user, and which displays at least some of the private information" as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 35.

Dependent Claim 36

Because Claim 36 depends from Claim 32, the rejection of Claim 36 is improper for the reasons set forth above for Claim 32. In addition, the rejection of Claim 36 is improper because, since the cited references fail to disclose or suggest "sending email messages to each of said other users designated by the first user to be included in the private group, said email messages inviting respective email recipients to access private information associated with the first user" as recited by Claim 32, the cited references fail to disclose or suggest "comprising notifying the first user, via a web page of the web site, of whether responses have been received to the email messages" as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 36.

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Dependent Claim 37

Because Claim 37 depends from Claim 32, the rejection of Claim 37 is improper for the reasons set forth above for Claim 32. In addition, the rejection of Claim 37 is improper because the cited references fail to disclose or suggest "presenting to the first user a web page that lists users who are members of the private group, and which provides functionality for the first user to selectively remove a user from the private group" as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 37.

Independent Claim 38

The rejection of Claim 38 is improper because, *inter alia*, PlanetAll, Amazon, and PhotoNet do not disclose or suggest all of the recited claim elements. PlanetAll, Amazon, and PhotoNet are not concerned with sending a message inviting a second user to access private information associated with a first user via a web site. Thus, for example, PlanetAll, Amazon, and PhotoNet fail to disclose or suggest:

in response to receiving the email address of the second user, automatically sending an email message to the second user, said email message inviting the second user to access private information associated with the first user via the web site, and including a link for accessing the web site

As discussed with respect to Claim 4, the Examiner appears to take the position that PlanetAll discloses, at Item: U, page 2, and Item V, page 1, "sending an invitation to view a user's personal information."

However, in contrast to the Examiner's assertion, PlanetAll does not disclose "sending an invitation to view a user's personal information," much less the elements as claimed. As previously discussed, PlanetAll, at Item: U, page 2, discloses transmitting daily emails or faxes to a user that includes alerts about contacts, links to shopping and travel sites, news headline and jokes and trivia. Similarly, PlanetAll, at Item V, page 1, discloses that PlanetAll will provide user notifications when new people from the user's affinity groups join the system and the user's travel plans overlaps with friends' travel plans. PlanetAll further describes providing

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notifications of upcoming birthdays, holidays, and other user specified events, and enabling group members to send messages to each other. PlanetAll, at Item V, page 18, discloses an example PlanetAll e-mail that includes some of the foregoing information, but that does not include an invitation.

Even assuming, arguendo, that PlanetAll discloses "sending an invitation to view a user's personal information," as argued by the Examiner, PlanetAll does not disclose automatically sending an email message to the second user in response to receiving the email address of the second user from the first user, where the email message invites the second user to access private information associated with the first user via a web site as claimed.

Further, the Examiner, in the Final Office Action, failed to fully address the foregoing elements and so failed to make a prima facie case of obviousness. In summary, because PlanetAll, Amazon, and PhotoNet do not disclose or suggest all of the elements of Claim 38, the rejection of Claim 38 is improper and should be withdrawn.

Dependent Claim 39

Because Claim 39 depends from Claim 38, the rejection of Claim 39 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 39 is improper because the cited references fail to disclose or suggest "first web form is dependent upon, and displays a plurality of items represented within, a transaction history of the first user, and includes fields for the first user to supply reviews of each of the plurality of items," as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 39.

Dependent Claim 40

Because Claim 40 depends from Claim 38, the rejection of Claim 40 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 40 is improper because the cited references fail to disclose or suggest "wherein the first web form provides functionality for the first user to designate, on an item-by-item basis, which of the plurality of items is/are to be exposed to the second user as being included in the first user's transaction history," as

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claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 40.

Dependent Claim 41

Because Claim 41 depends from Claim 38, the rejection of Claim 41 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 41 is improper because the cited references fail to disclose or suggest "further comprising providing the second user restricted access via the web site to at least a portion of a transaction history of the first user, as maintained by the web site," as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 41.

Dependent Claim 42

Because Claim 42 depends from Claim 38, the rejection of Claim 42 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 42 is improper because the cited references fail to disclose or suggest "providing the second user restricted access via the web site to a portion of a transaction history of the first user, said portion being specified by the first user via the web site on an item-by-item basis," as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 42.

Dependent Claim 43

Because Claim 43 depends from Claim 38, the rejection of Claim 43 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 43 is improper because the cited references fail to disclose or suggest that the "restricted access is provided such that the only users who can access the first user's review of the item via the web site, other than the first user, are users specifically designated by the first user," as claimed. The Final Office Action does not fully address these elements.

Dependent Claim 44

Because Claim 44 depends from Claim 38, the rejection of Claim 44 is improper for the reasons set forth above for Claim 38.

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Dependent Claim 45

Because Claim 45 depends from Claim 38, the rejection of Claim 45 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 45 is improper because the cited references fail to disclose or suggest that "transmitting to the first user a web page that lists users who are authorized to access the private information associated with the first user, including said review, and which provides functionality for the first user to selectively discontinue such authorization on a user-by-user basis," as claimed. The Final Office Action does not fully address these elements, and hence, the Examiner fails to make a prima facie case of obviousness in rejecting Claim 45.

The Rejection of Claims 9 and 17 under 35 U.S.C. § 103(a)

Because Claims 9 and 14 depend from Claim 4, the rejection of Claims 9 and 14 is improper for the reasons set forth above for Claim 4.

The Rejection of Claim 40 under 35 U.S.C. § 103(a)

Because Claim 40 depends from Claim 38, the rejection of Claim 40 is improper for the reasons set forth above for Claim 38. In addition, the rejection of Claim 40 is improper because the cited references fail to disclose or suggest that the "the first web form provides functionality for the first user to designate, on an item-by-item basis, which of the plurality of items is/are to be exposed to the second user as being included in the first user's transaction history."

The Examiner admits that PlanetAll, Amazon, and PhotoNet do not disclose a first customer editing selections of past purchases to be shared with a second customer. Nonetheless, the Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose the first customer editing past purchase information to be shared with a second customer, since it is well within the skill to ascertain that a first customer can edit personal information to be viewed by a second customer. However, the Examiner failed to provide any motivation to modify the disclosure of the cited references as proposed by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness with respect to Claim 40.

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CONCLUSION

For the reasons set forth above, the rejections of Claims 4, 6-12, 14, 16, 17, 20-22, and 32-46 are improper and should be reversed.

VIII. CLAIMS APPENDIX

4. A method of allowing a first customer of an electronic commerce entity to communicate information related to the first customer's purchases to others, the method comprising;

receiving over a network an authorization by the first customer for at least a second customer to view information on at least a portion of the first customer's purchases, said information identifying at least a first item as having been purchased by the first customer, and including the first customer's review of the first item;

receiving over the network a selection made by the first customer of which of a plurality of items purchased by the first customer are to be exposed to the second customer as having been purchased by the first customer;

providing an electronic notification to the second customer, wherein the notification informs the second customer of the first customer's authorization; and

providing the second customer access, on a web site associated with the electronic commerce entity, to said information on at least a portion of the first customer's purchases, including the first customer's review of the first item.

6. The method as defined in Claim 4, wherein the notification is provided in an e-mail message.

7. The method as defined in Claim 4, wherein the notification is provided on a Web page.

8. The method as defined in Claim 4, wherein the first customer's authorization includes an e-mail address of the second customer.

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9. The method as defined in Claim 8, further comprising including a one-use token in the notification if the second customer's e-mail address does not match any e-mail addresses stored in a customer database associated with the electronic commerce entity.

10. The method as defined in Claim 4, wherein the notification includes a link to a page displaying information related to the first customer's purchases.

11. The method as defined in Claim 4, further comprising notifying at least the second customer, via the web site, of who has received authorization to receive information on the first customer's purchases.

12. The method as defined in Claim 4, further comprising electronically receiving authorization from the second customer for users who are authorized to view information on at least a portion of the first customer's purchases to also view information regarding at least some of the second customer's purchases.

14. The method as defined in Claim 4, further comprising providing a preview to the first customer of the information on the first customer's purchases that will be accessible to the second customer.

16. The method as defined in Claim 4, further comprising transacting the first customer's purchases over the network.

17. The method as defined in Claim 4, further comprising receiving over the network a customer authorization for the second customer to view the first customer's wish list.

20. The method as defined in Claim 4, further comprising, in response to said authorization, granting the second user access on the web site to the first customer's reviews of items associated with customer purchases that the second customer is authorized to view.

21. The method as defined in Claim 4, further comprising transmitting an electronic form to the first customer listing the first customer's purchases, wherein the first customer uses the form to specify which customer purchases may be viewed by at least the second customer.

22. The method as defined in Claim 4, further comprising:
receiving a purchase order from the first customer; and

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in response to receiving the purchase order, presenting to the first customer an option to share information related to the purchase order with others.

32. A computer-implemented method of privately sharing information related to transaction histories of users, the method comprising;

transmitting at least one electronic form to a computing device for display to a first user, the at least one electronic form identifying a plurality of items ordered by the first user from an electronic catalog, as determined from a transaction record of the first user, and providing functionality for the first user to select, on an item-by-item basis, which of the items to expose to a private group of users as having been ordered by the first user, said private group being definable by the first user;

receiving over a network, from said computing device, at least (a) the first user's designation of at least a first item, of said plurality of items, to expose to the private group of users, and (b) the first user's review of the first item;

receiving, over the network, email addresses supplied by the first user of other users designated by the first user to be included in said private group;

in response to receiving the email addresses supplied by the first user, automatically sending email messages to each of said other users designated by the first user to be included in the private group, said email messages inviting respective email recipients to access private information associated with the first user, and including a link to a web site on which said private information may be accessed; and

controlling user access via the web site to the private information associated with the first user, including at least the first user's review of the first item, such that members of the private group are permitted to access the private information associated with the first user, and such that other users who are not members of the private group are not permitted to access the private information.

33. The method of Claim 32, wherein the at least one electronic form includes, for each of the plurality of items ordered by the first user, at least (a) a field for supplying a textual comment, and (b) an area for supplying an item rating on a specified scale, and wherein resulting textual

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comments and item ratings supplied by the first user are made available via the web site to members of the private group.

34. The method of Claim 32, wherein the private information identifies the first item as having been purchased by the first user.

35. The method of Claim 32, further comprising providing the private group of users restricted access, via the web site, to a private web page that is uniquely associated with the first user, and which displays at least some of the private information.

36. The method of Claim 32, further comprising notifying the first user, via a web page of the web site, of whether responses have been received to the email messages.

37. The method of Claim 32, further comprising presenting to the first user a web page that lists users who are members of the private group, and which provides functionality for the first user to selectively remove a user from the private group.

38. A computer-implemented method of privately sharing item review information, the method comprising:

- providing a web site that hosts an electronic catalog of items and provides functionality for users to initiate transactions in which items selected from the electronic catalog are delivered to the users;

- transmitting, over a computer network, for presentation to a first user of the web site, a first web form that prompts the first user to supply a rating of, and a textual comment regarding, an item represented in the electronic catalog, said web form being associated with a transaction in which the item was delivered to the first user;

- receiving, over the computer network as a result of submission by the first user of the first web form, the first user's review of the item, said review including the first user's rating of, and comment regarding, the item;

- storing the first user's review of the item in an electronic repository in association with the first user;

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transmitting, over the computer network, for presentation to the first user, a second web form that includes a field for the first user to supply an email address of at least one other user who is authorized by the first user to access the first user's review of the item;

receiving, over the computer network, as a result of submission of the second web form by the first user, an email address of a second user who is authorized by the first user to access the first user's review of the item;

in response to receiving the email address of the second user, automatically sending an email message to the second user, said email message inviting the second user to access private information associated with the first user via the web site, and including a link for accessing the web site; and

providing restricted access via the web site to the first user's review of the item, such that the second user has access to the first user's review, and such that other users not authorized by the first user do not have access to the first user's review.

39. The method of Claim 38, wherein the first web form is dependent upon, and displays a plurality of items represented within, a transaction history of the first user, and includes fields for the first user to supply reviews of each of the plurality of items.

40. The method of Claim 39, wherein the first web form provides functionality for the first user to designate, on an item-by-item basis, which of the plurality of items is/are to be exposed to the second user as being included in the first user's transaction history.

41. The method of Claim 38, further comprising providing the second user restricted access via the web site to at least a portion of a transaction history of the first user, as maintained by the web site.

42. The method of Claim 38, further comprising providing the second user restricted access via the web site to a portion of a transaction history of the first user, said portion being specified by the first user via the web site on an item-by-item basis.

43. The method of Claim 38, wherein said restricted access is provided such that the only users who can access the first user's review of the item via the web site, other than the first user, are users specifically designated by the first user.

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44. The method of Claim 38, wherein the step of providing restricted access comprises providing, to a plurality of users specifically designated by the first user, access to a plurality item reviews supplied by the first user.

45. The method of Claim 38, further comprising notifying the first user, via a web page of the web site, whether the second user has responded to the email message.

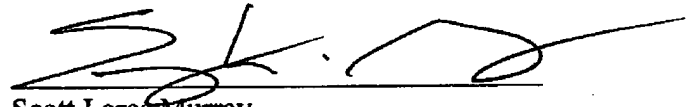
46. The method of Claim 38, further comprising transmitting to the first user a web page that lists users who are authorized to access the private information associated with the first user, including said review, and which provides functionality for the first user to selectively discontinue such authorization on a user-by-user basis.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.



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